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Attorney Docket No.

A1690-US-NP

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Rae Caldwell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of David D. Martenson et al.

Group Art Unit: 2878

Application No.: 10/608,918

Examiner: Suezu Y. Ellis

Filed: June 26, 2003

Confirmation No.: 7043

For: POSITION ENCODER

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Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) and information listed on the attached PTO-1449 Form. One legible copy of each is attached to the PTO-1449 Form, except for U.S. Patents, or published or IFW (Image File Wrapper) available U.S. applications. It is respectfully requested that the references and information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date of the above application (excluding an RCE), OR (b) before the mailing date of a first Office Action on the merits (including an RCE). *No certification or fee is required.*
- 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the date of the first Office Action on the merits, but before the mailing date of a Final Rejection, Notice of Allowance, or other action that closes prosecution. Please debit Xerox Corporation Deposit Account 24-0025 in the amount of \$180.00 in payment of the fee under 37 C.F.R. 1.17(p). *(A copy of this paper is attached.)*
- 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance; AND
 - a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(1); (OR)

Application No. 10/608,918

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c), more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. 1.97(e)(2)

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5. Per 37 C.F.R. 1.98(a)(3), a concise explanation of the relevance of each of any submitted item that is NOT in the English language is either enclosed herewith, or incorporated in the application specification.

6. A copy of an English language version of an above-referenced counterpart foreign application search report is attached.

7. Copies of some or all of the subject references were cited or submitted to the Office in related parent Application No. , filed , which is relied upon under 35 U.S.C. §120. Thus, copies of those references are not attached (except for copies of cited pending applications). 37 C.F.R. §1.98(d).



Manuel Culogue
Signature under 37 CFR 1.33 & 34
Registration No. 26,978
Telephone No. 503-685-4229
Date May 11, 2005

Customer No.: 25453

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Date May 11, 2005

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/608,918
				Filing Date	June 28, 2003
				First Named Inventor	David D. Martenson
				Art Unit	2878
				Examiner Name	Suezu Y. Ellis
				Attorney Docket Number	A1690-US-NP
Sheet	1	of	1		

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